

1 WO

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Victor Bigman,  
10 Movant/Defendant,  
11 v.  
12 USA,  
13 Respondent/Plaintiff.  
14

No. CV-16-8122-PCT-JAT  
CR-11-8156-PCT-JAT

**ORDER**

15 Pending before the Court is Movant's Motion to Vacate, Set Aside or Correct  
16 Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The Magistrate Judge issued a Report  
17 and Recommendation (R&R) (Doc. 13) recommending that the Motion be denied.

18 Neither party has filed objections to the R&R. Accordingly, the Court hereby  
19 accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district  
20 courts are not required to conduct "any review at all . . . of any issue that is not the  
21 subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114,  
22 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review  
23 the magistrate judge's findings and recommendations de novo *if objection is made*, but  
24 not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d  
25 1219, 1226 (D. Ariz. 2003).


26 Accordingly,

27 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.  
28 13) is ACCEPTED and ADOPTED;

1           **IT IS FURTHER ORDERED** that Movant's Motion to Vacate, Set Aside or  
2 Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) is DENIED WITH PREJUDICE;  
3 and the Clerk of the Court shall enter judgment accordingly.

4           **IT IS FINALLY ORDERED** that a Certificate of Appealability and leave to  
5 proceed in forma pauperis on appeal are denied because jurists of reason would not find  
6 the Court's procedural decision debatable or wrong.

7           Dated this 10th day of May, 2017.

8  
9  
10  
11             
12           James A. Teilborg  
13           Senior United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28